



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.20588 of 2018**

MALAIRAJ

... PETITIONER/ SOLE ACCUSED

Vs

STATE: REP. BY  
INSPECTOR OF POLICE  
EARVADI POLICE STATION,  
RAMANATHAPURAM DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.K.KUMARAVEL Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate ( CrI. Side)

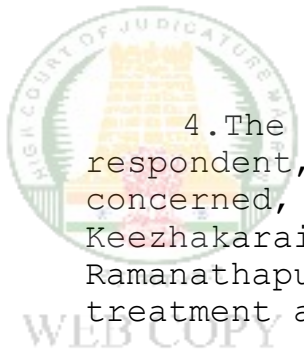
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 324 and 506(ii) of IPC., in Crime No.100 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have questioned the defacto complainant in attempting to marry the petitioner's sister's minor daughter. Due to which, a fight arose between them. The defacto complainant and his relatives had attacked the petitioner and caused grievous injuries. In this regard, the petitioner also made a complaint before the respondent Police and the same has been registered in Cr.No.101 of 2018.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime. The petitioner was attacked by five persons including the defacto complainant and the petitioner was admitted in Government Hospital, Ramanathapuram on 07.11.2018 and after taking treatment as inpatient, he was discharged from the hospital. Hence, prayed that anticipatory bail may be granted to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that asfar as this case is concerned, the defacto complainant has initially approached the Keezhakarai Government Hospital and thereafter referred to the Ramanathapuram Government Hospital and submitted that he is taking treatment as inpatient.

5.Considering the nature of the injury and also considering the case and counter case in Cr.No.101 of 2018, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, No.II, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that;

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

[g] Since it is a case of case and counter case, the respondent police is to follow Rule 60 of the Police Standing Order and thereafter, proceed with the case.

sd/-  
19/11/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, NO.II,  
RAMANATHAPURAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANANTHAPURAM

3 THE INSPECTOR OF POLICE  
EARVADI POLICE STATION,  
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.K.KUMARAVEL Advocate SR.No.21747

ORDER  
IN  
CRL OP(MD) No.20588 of 2018  
Date :19/11/2018

MSI/PN/SAR-II/26.11.2018-3P/6C